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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1996

Addendum

OVERSEAS DEPENDENT TERRITORIES AND CROWN DEPENDENCIES OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

[26 May 1999]

* This document submitted by the Government of the United Kingdom contains initial reports relating to the Falkland Islands. The annexes referred to in the text are available for consultation in the secretariat

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Introduction

1. The Convention on the Rights of the Child was extended by the Government of the United Kingdom to the Falkland Islands in September 1994. This report constitutes the initial report in relation to the Falkland Islands required under article 44, paragraph 1, of the Convention. In this report and unless expressly stated to the contrary, the expression "child", except where used to describe a relationship to another person, is used to denote a person under the age of 18 years (that is to say, any person who is not an adult). In this report, the expression "child", therefore, except as stated, includes a person between the ages of 14 years and 18 years who is in some of the laws of the Falkland Islands described as a "young person" the expression "child" sometimes being used in those laws to describe a person under the age of 14 years.

2. The Falkland Islands are a British Dependent Territory and the Untied Kingdom Government submitted in September 1995 a core document forming part of its report as a State party to United Nations international human rights instruments (HRI/CORE/1/Add.62 of 24 January 1996). Information relating to the Falkland Islands constitutes annex V to that document, and is referred to below as "the core document".

I. GENERAL INFORMATION IN RELATION TO THE FALKLAND ISLANDS

3. The information contained in this present document is up to date as at 1 September 1996. The information given in the core document remains valid at that date, except where specifically stated to the contrary in succeeding paragraphs.

4. A census was held in the Falkland Islands in April 1996, and a copy of the report of that census and the comparative report in relation to previous censuses is submitted with this report. The information given in paragraph 2 of the core document has changed, as a result of the census, as follows:

Population[1]	2 221	
Percentage of population:		
Under 15 years old[2]	401	
Males	206	9.90%
Females	195	9.37%
Over 65 years old	204	
Males	106	5.09%
Females	98	4.71%
Rural	445	21.38%
Males	239	11.48%
Females	206	9.90%
Urban	1 636	78.62%
Males	855	41.09%
Females	781	37.53%
Households headed by women[3]	195[4]	23.41%

[1] This figure excludes (i) the military garrison; (ii) 482 persons present only in connection with the military garrison; and (iii) 38 temporary visitors to the Falkland Islands; all statistics exclude 140 persons temporarily absent from the Falkland Islands on census day.

[2] It is estimated that in the age group 15-17 there were 51 males and 46 females.

[3] Including 61 women who never married (7.32%), 47 married women (5.64%), 51 widows (6.12%) and 36 divorced women (4.32%).

[4] Out of 833.

II. GENERAL MEASURES OF IMPLEMENTATION

5. The reservations and declarations entered by the United Kingdom on ratifying the Convention extend to the Falkland Islands.

Harmonizing national law and policy with the provisions of the Convention

6. The provisions of Part I of the Falkland Islands Constitution (Schedule 1 to the Falkland Islands Constitution Order 1985, a copy of which was forwarded with the core document) provides for fundamental rights and freedoms of the individual, the provisions of which are consonant with international human rights instruments.

7. The fundamental rights and freedoms (dealt with in more detail in the core document) apply to all persons in the Falkland Islands.

The Children Ordinance 1994

8. The Children Ordinance 1994 was enacted on 12 December 1994 and came into force on 1 January 1995. The Ordinance was closely modelled on provisions of the Children Act 1989 of England and Wales (referred to in paragraphs 7 and 18 to 22 of the initial report of the United Kingdom (CRC/C/11/Add.1 of 28 March 1994)). However, functions which in England and Wales are conferred on local authorities are in the Falkland Islands exercisable by the Government directly. Additionally, and principally because of the size of the population and the close-knit nature of the community, in the Falkland Islands there are no residential institutions for the care of children; these are the subject of a number of provisions of the English Act but the Falkland Islands Ordinance does not contain parallels of those provisions.

9. The Children Ordinance 1994, like the English Act, clearly reflects the provisions of the Convention, and brings together in one statute both the public and the private law and makes clear that, except on adoption, parents never lose responsibility for their children. The Ordinance fully reflects the principles that the best interests of the child should be the first consideration and the voice of the child should be heard. The Adoption Act 1976 of England, subject to local modifications and exceptions, constitutes the present law of the Falkland Islands as to adoption. Replacement of this law is presently under consideration, and may involve the enactment of legislation incorporating provisions recently enacted in England. These would provide greater safeguards for adopted children, and permit children of 12 years of age or more to participate in proceedings for their own adoption.

Mechanisms for coordinating policies relating got children and for monitoring the implementation of the Convention

10. The principal responsibility for monitoring the implementation of the Convention in the Falkland Islands lies with the Department of Health in liaison with the Education Department. The Health Visitors and Social Welfare Officers of the Department of Health make domiciliary

visits throughout the Falkland Islands to ensure the health and welfare of children. It is recognized that there are particular difficulties for children living in comparative isolation in rural parts of the Falkland Islands, sometimes at a distance of 10 miles from the nearest neighbours. Particular care is taken to ensure that such children are seen regularly by a government officer having some responsibility of the care of children. Necessarily, the person seeing them will not always be a health visitor or social welfare officer and may be a government officer or travelling teacher.

11. Very good relations and close coordination exist between the various departments of the Falkland Islands Government in relation to matters affecting the well-being of children and, whenever necessary in relation to a particular case or cases, or generally, interdepartmental discussions take place, involving representatives of the police, the Department of Health, the Education Department and the Government's lawyers.

12. A list of children known to be at risk is maintained and a further list is maintained of children with special needs. In the circumstances of the Falkland Islands, and in particular its population, it would be impracticable to consider the establishment of mechanisms of an independent nature to coordinate and monitor the implementation of the rights of the child.

Making the principles and provisions of the Convention and the contents of this document known

13. The principles and provisions of the Convention were publicised in the Falkland Islands at the time the Children Ordinance 1994 was being considered by the Legislative Council. Officers of the Falkland Islands Government mention the provisions of the Convention to local elected representatives whenever it is relevant to do so (for example, in relation to the provision by the Government of funds to provide for the special needs of a particular child or particular children). Additionally, the principles and provisions of the Convention are mentioned in civics courses at the Government's secondary school.

14. A copy of this document will be placed in the Public Library Stanley.

III. DEFINITION OF THE CHILD

15. Under the legislation of the Falkland Islands, the ages of majority or legal minimum ages set out in the following paragraphs apply.

16. The age of attainment of majority is 18.

17. Legal counselling without parental consent. Under the Children Ordinance 1994, a child of any age who has sufficient understanding has the right to apply for the court's permission to start proceedings for residence or contact. Under the Ordinance, a child may instruct his or her own lawyer, if he or she is of sufficient understanding, and may in his or her own name obtain legal aid for the purpose (professional legal assistance paid for by the Government). A child may bring civil proceedings, for example to recover damages for personal injuries received, but must do so through an adult who is the child's "next friend". The child may, however, in his or her own name apply for legal aid to enable the next friend to bring proceedings, and it is the

child's income, not that of the next friend which is taken into account in deciding on the application. A child may apply in his own name for legal aid in criminal proceedings brought against him or her.

18. Medical counselling without parental consent. Under the law of the Falkland Islands, where the child is of sufficient understanding (that is to say, the child has sufficient maturity to understand the implications of consenting to, or refusing to consent to, the implications of the proposed care and treatment), it is the child's consent to the treatment which is required, not that of a parent. The Gillick case (Gillick v. West Norfolk and Wisbech Area Health Authority and Another [1985] 3 A11ER 402) referred to in paragraph 66 of the United Kingdom initial report would be applied in the Falkland Islands courts. For that reason, it forms the legal basis on which medical personnel counsel children without the consent or knowledge of the parent, if the child so wishes. The provisions of the Children Ordinance 1994 which relate to the consent of a child to consent to psychiatric or medical examination merely reflect the principle of law mentioned. The decision in the Re W case also referred to in paragraph 66 would not be regarded as good law in the Falkland Islands. Provided that the child had sufficient understanding, as defined earlier in this paragraph, to refuse treatment, that refusal could not be overturned because the child's parents disagreed with it. As is the case in the United Kingdom, in the Falkland Islands a child of any age may be given access to his health records if the record holder is satisfied that the child is capable of understanding the nature of the application.

19. End of compulsory education. Under the Education Ordinance 1989 of the Falkland Islands (as amended) a child is deemed to be of compulsory school age until the end of the school year in which he attains the age of 16 except that where he attains the age of 16 between the end of the preceding school year and the beginning of the first term of the new school year, he is deemed to have attained that age during the proceeding school year. The school year ends at the end of the third term of that year (on approximately 20 December) and the new school year will begin during the first week in February (usually on the first Thursday of February).

20. Employment. Fourteen is the minimum age at which a child may have a part-time job. Full-time employment is permitted for those above minimum school-leaving age.

21. Hazardous employment. Falkland Islands law prohibits the employment of any person under the age of 18 years in mines or on night shift in certain industries.

22. Sexual consent. In the Falkland Islands, a person under the age of 16 cannot lawfully consent to sexual intercourse. A male under the age of 18 cannot lawfully consent to homosexual activity involving him.

23. Marriage. A person of under 16 years cannot lawfully marry. A person of 16 years of age or more, but under the age of 18, can marry with parental consent, or the consent of a competent court.

24. Voluntary enlistment in the armed forces. The Falkland Islands has no regular armed forces (some Falkland Islands residents enlist in the United Kingdom armed forces, as to which

see paragraph 72 of the United Kingdom initial report). There is a Falkland Islands Defence Force, a part-time, entirely voluntary force. The minimum age of enlistment into that force is 17. Parental consent is not required.

25. Voluntarily giving evidence in court. A child of any age may give evidence in civil or criminal proceedings. The evidence of a child under the age of 14 will be given unsworn. Consideration is being given to the enactment of legislation which would enable the evidence of child complainants in sexual offences and other cases where the giving of evidence may be distressing to a child witness to be given on a videotape and in other cases to be given by live video link. The present law enables a court to be cleared of the public while a child is giving evidence.

26. Criminal liability. A child under the age of 10 cannot be prosecuted in respect of any offence. A child of 10 years but under 14 years can only be prosecuted if it is proved that the child knew what he or she was doing and that he or she knew that it was wrong.

27. Deprivation of liberty/imprisonment. The criminal law of the Falkland Islands distinguishes between children under the age of 14 years (who are described as "children") and those over the age of 14 and under the age of 18 (who are described as "young persons"). A young person of either sex may be sentenced to detention "during Her Majesty's Pleasure" (i.e. for an indeterminate period) in a case where, were he an adult, he could be punished by imprisonment for 14 years or more or by life imprisonment. It would be for the Governor to decide how long the young person would be detained. Consideration is being given to the possibility of transferring this power to the convicting court. Persons over the age of 14 and under the age of 21, who are convicted of a criminal offence may otherwise be sentenced to a custodial sentence only in exceptional circumstances, and in such cases they would be sentenced to detention in a "young offenders' institution". A convicted person of the age of 16 years or more may be the subject of a community service order (which requires him to carry out a specified number of hours' work under supervision for the benefit of the community) instead of being awarded a custodial sentence.

28. Consumption of alcohol. A person of over the age of 5 may drink alcohol in a private place. Otherwise it is unlawful for him or her to consume or obtain alcohol, and possession in public of alcohol by a person under the age of 18 years is an offence. A person under the age of 18 years is not permitted to enter a bar area, except in an hotel or restaurant, and may not enter a public house at all. The holder of a licence in relation to premises licensed to sell alcohol commits an offence if, on those premises, he permits a person under the age of 18 years to purchase or consume alcohol or to be unlawfully upon the premises. While the consumption of illicit drugs in the Falkland Islands by young people is at such a low level (practically non-existent) that it does not presently constitute a cause of concern, the consumption of alcohol by children in their teens remains a cause of concern to the Government although it has been reduced by more rigid law enforcement and education of young people in the dangers of alcohol abuse.

IV. GENERAL PRINCIPLES

29. The Falkland Islands have a written constitution. The third preamble to chapter 1 of the Constitution (Fundamental Rights and Freedoms of the Individual) begins:

> "And whereas every person in the Falkland Islands is entitled to the fundamental rights and freedoms of the individual ..."

"Every person" is interpreted under the law of the Falkland Islands as meaning every living person from the instant of his or her birth.

30. The provisions of chapter 1 of the Constitution are briefly explained in the core document.

31. The Falkland Islands have enacted a Race Relations Ordinance, supplementing the provisions of the Constitution as to racial discrimination. It has not yet enacted any legislation supplementing the provisions of the Constitution in relation to sexual discrimination and it is not clear that such legislation would serve any useful purpose. The Government is satisfied that the available evidence points to an almost complete absence of sexual discrimination in the Falkland Islands. It refers generally to the initial (CEDAW/C/5/Add.52/Amend.2) and first periodic report in relation to the Convention on the Elimination of All Forms of Discrimination against Women. In particular it mentions that there is no discrimination between children on the basis of gender in educational opportunities, or subjects taught, in the Falkland Islands. For reasons the Government does not entirely understand, other than that perhaps girls apply themselves more readily to academic pursuits, the educational performance of girls in external examinations appears to be significantly better.

32. Provision of education. The provision of education in the Falkland Islands is governed by the Education Ordinance 1989, a copy of which is in the possession of the United Nations Human Rights Secretariat. The Ordinance contains provisions prohibiting discrimination on the basis of race, place of origin, gender, nationality or religion.

33. The Government funds education outside the Falkland Islands at a number of schools and colleges in England, but principally at Peter Symonds' College, Winchester, for children undertaking education after the end of their compulsory education, prior to taking further external examinations qualifying them, if they wish, to attend a university or other further educational institution in the United Kingdom.

34. The Government funds tertiary education of students at universities and other educational institutions in the United Kingdom on a non-discriminatory basis and as at 1 July 1996 was funding 37 such students.

35. While school attendance is not compulsory prior to a child attaining 5 years, the Government encourages parents in Stanley to send children of 4 years to attend the infant school in Stanley and is about to begin funding of nursery education of children of above 2 years of age.

V. BEST INTERESTS OF THE CHILD

36. It is the policy of the Government that the best interests of the child shall be a primary consideration in all matters concerning children, and that policy is known to all government officers employed in the departments of health and education. However, that policy is not stated explicitly in legislation relating to those department.

The Children Ordinance 1994

37. Insofar as the courts are concerned, section 3 (1) of the Children Ordinance 1994 provides:

> "Where in any proceedings before any court (whether or not a court as defined in section 2):
>
> (a) the upbringing of a child, or
>
> (b) the administration of a child's property or any income arising from it,
>
> is in question, the child's welfare shall be the court's paramount consideration."

In private law proceedings concerning a child, it is usual for the court to require a report from a court-appointed welfare officer, who will report to the court as to what he considers, after consulting the child fully, to be in the child's best interests. The child is entitled to be separately represented in those proceedings. The Ordinance requires courts not to make any order concerning a child unless they are satisfied that making an order in respect of the child would be better for the child than making no order.

38. When a child is brought before a court in respect of a crime, a court will not impose a sentence on that child without having the benefit of a welfare report on that child prepared by a welfare officer appointed by the court.

39. The Government has within the past 12 months surveyed all educational premises under its control as to their adequacy. It has introduced procedures to be observed in relation to the health and safety of the staff and pupils at them.

Article 6: The right to life, survival and development

40. The inherent right of the child to life, under the law of the Falkland Islands, applying court decisions in England, is recognized from the moment of its birth.

41. The Government of the Falkland Islands provides free health care, including medicines, to all persons ordinarily resident in the Falkland Islands. Charges are made for some optical and dental services, but these are not charged to retired people, expectant mothers or to or in respect of children.

42. A comprehensive programme of immunization of infants and children, with booster injections when required, all free of charge, is in operation. The Department of Health visits the schools to undertake periodic health checks of children attending school. Similarly, dental and optical checks are periodically undertaken in respect of all school children.

43. When a child is born in the Falkland Islands, domiciliary visits are, as a rule, undertaken by a midwife in the employment of the Government, until the child reaches six weeks of age. Thereafter the home is regularly visited, if this appears to be necessary, by a health visitor. A register of children "at risk" is maintained, and the progress and care of such children is monitored at frequent and regular intervals.

44. The Department of Health believes that, in the circumstances of the Falkland Islands, removal of a child from its family environment will rarely be justified in the application of the principle of what is in the best interests of the child, and prefers to adopt a policy of regular, and if necessary intensive visits, monitoring the child's well-being, and training of the mother and father of the child in parentcraft. Clearly this policy has to be, and is, tempered with a willingness to take urgent action if sexual or other physical abuse of the child is involved.

Article 12. Respect for the views of the child

45. As has been pointed out at paragraph 37, the Children Ordinance 1994 requires that the voice of the child must be heard. Further, the Ordinance provides that when a court determines a question about the upbringing of a child it has to have regard in particular to the wishes and feelings of the child, so far as those can be ascertained. A child may, if it obtains the leave of the court, apply for certain orders under the Ordinance in its own right.

46. Where a child brings proceedings to enforce a civil claim against another person, under the law of the Falkland Islands, he must do so through a "next friend" (an adult having no conflict with the interest of the child in the proceedings who brings the proceedings on his behalf). Where civil proceedings are brought against a child, he can only defend those proceedings through a guardian ad litem. Where certain proceedings are brought under the Children Ordinance 1994, a guardian ad litem must be appointed who is a person approved by the court to report to and assist the court in relation to the child's interests in the proceedings, and notwithstanding that the child may have instructed, and be represented by, a lawyer in the proceedings.

Education

47. Although there is no provision of law requiring them to do so, the educational authorities of the Falkland Islands are at pains, where appropriate, to give due weight, in accordance with the age and maturity of the child, to the views of the child. A particular example is the question of choice by the child at the age of 14 years as to what subjects the child wishes to study in the tenth and eleventh years of full compulsory schooling with a view to sitting external examinations in those subjects during the last term of the eleventh year of schooling. The parents are consulted after the child has expressed a preference, but unless the choice of the child appears particularly capricious or ill-advised, if the child insists after discussion with the child's parents, the child's decision will hold despite the parents' opposition.

48. In relation to the United Kingdom initial report, the Committee raised a point in relation to the consultation of children in relation to their attendance or otherwise at sex education given at school. Preliminary sex education to children is given, in the Falkland Islands, in the junior school, when the children are too young (8 to 10 years of age) to express a reasoned opinion as to whether they should receive such education, and an objection on the part of the child's parents to the child's receiving such education at that stage would be likely to prevail over the child's wish to receive it. Further sex education is offered in the secondary school between the ages of 11 and 13 as a part of the curriculum of the subject Personal and Social Development. At that stage, although the school would honour the wish of the child's parent or guardian to withdraw the child from such education, it would, and particularly if the child wished to receive such education, point out that the education was very much in the interests of the child and would endeavour to persuade the parents to withdraw the objection. However, in the absence of specific legislation on the subject, and by analogy with section 9 (2) of the Constitution, the school would not be able to overrule the parent's wishes in favour of those of the child.

VI. CIVIL RIGHTS AND FREEDOMS

49. As is stated above, children, being persons, enjoy civil rights (fundamental rights and freedoms) under the provisions of chapter 1 of the Constitution.

Article 7: Name and nationality

50. The law of the Falkland Islands provides that the birth of a child in the Falkland Islands shall be registered within six weeks after the birth of the child. The surname given at registration can be the mother's, the father's, a combination of both, or an entirely different surname, but the surname given should be the surname in which it is intended that the child should be brought up. Once the child's surname has been registered, unless it is shown that an error was made at the time of registration, the surname in the register cannot be changed. A person can change his surname for all legal purposes by common usage or by deed poll change of name. A young child has no power to change his surname, although both parents acting in agreement can change the child's surname, subject to what is said in paragraph 55.

51. Where a child's parents are not married to each other, the inclusion of the father's name in the register of births is prima facie evidence that he is father of the child, and for this reason the father's name may only be entered on the register at the request of both parents. They must either both sign the register in each other's presence, or the mother must make a formal declaration as to the father's paternity of the child and produce a formal declaration made by the father acknowledging his paternity.

52. The law of the Falkland Islands as to nationality is to be found in the British Nationality Act 1981, as amended by the British Nationality (Falkland Islands) Act 1983. Although the Falkland Islands are a British Dependent Territory, by virtue of the provisions of the 1983 Act, a child born in the Falkland Islands to a parent who is a British citizen or settled in the Falkland Islands acquires British citizenship (not British Dependent Territory citizenship) automatically (where the child is born outside marriage, it is the British citizenship or settled status of the mother only which is relevant). A child born in the Falkland Islands who does not become a British citizen is entitled to be registered as a British Dependent Territories citizen if one of his

parents becomes a British citizen or becomes settled in the Falkland Islands. Any minor may be registered as a British citizen at the discretion of the Secretary of State.

53. The statements in paragraphs 153 to 155 and 159 and 160 of the United Kingdom initial report are valid also in respect of children born or resident in the Falkland Islands who hold British citizenship.

Article 8: Preservation of identity

54. The Children Ordinance 1994 provides that it shall be a condition of all residence orders made under the Ordinance (an order determining with which of two separated parents or with which other person a child shall live) that no person shall cause the child the subject of the order to be known by a new surname without the written consent of every person who has parental responsibility, or the consent of the court. A similar position applies under a care order.

55. The most usual case giving rise to a desire that the name of a child shall be changed is that the child is living with a mother divorced from the child's father, and who is living with another man whom the mother may or may not have married.

56. If both parents have consented to the change of the child's name and the child wishes to object, the child can, with the consent of the court, apply to the court for a "prohibited steps order" under the Children Ordinance 1994 (that is to say, an order to the effect that the child's surname shall not be changed). The court will grant consent to the child to apply for such an order if it believes the child has sufficient understanding to be able to apply for the order. The court will not allow the child's name to be changed contrary to the child's wishes, unless it is satisfied that the change of name is in the best interests of the child.

Article 13: Freedom of expression

57. Freedom of expression is one of the fundamental rights and freedoms of the individual under chapter 1 of the Constitution. These are subject to restrictions recognized by international human rights instruments as being necessary to protect the freedom of others.

58. In the context of freedom of expression, children, like adults, are not free without justification to injure the reputation of others.

59. The government schools, through organized school debates, discussions in class and otherwise, encourage pupils to express their individual views on a wide variety of matters, some of which are matters of controversy in the Falkland Islands. The views of children are sought and published by the local newspaper and they are interviewed on a number of subjects by the Falkland Islands Broadcasting Station.

Article 17: Access to appropriate information

60. While there is a national radio broadcasting station (the Falkland Islands Broadcasting Station) and a weekly newspaper (Penguin News) with a circulation of approximately 900, both of which are regulated by a statutory trust under the provisions of the Media Trust

Ordinance 1989, there are not mass media (in the usual sense) of Falkland Islands origin. However, the Services Sound and Vision Corporation, the primary purpose of which is to broadcast to the military garrison and their families, by arrangement with the Falkland Islands Government provides television broadcasts throughout the Falkland Islands. These television broadcasts are selected from public television broadcasts in the United Kingdom (BBC1, BBC2, ITV, Channel 4 and Sky-TV). They include broadcasts specifically for children, broadcast in the afternoons and early evenings throughout the week and also during the mornings on Saturdays and Sundays. During these periods, British television programmes designed for a child audience (some of which are popular with adults) of the kind referred to in paragraph 180 of the United Kingdom initial statement are broadcast.

61. Additionally, in Stanley, a private enterprise television relay station (rebroadcasting a number of English-language satellite television channels of North American origin) is in operation. Two of the five channels presently broadcast are specifically designed to be attractive to an audience of children.

62. A wide variety of English-language children's magazines and books are available for purchase at shops in Stanley. There is a modern library, which is a combined public library and school library, sited at the government secondary school in Stanley, and which is statutorily the responsibility of the Education Department. In addition to a wide variety of books, the library has a multimedia computer and a number of publications of interest to children on CD-ROM. The schools in Stanley are well equipped with computers with multimedia capability and a range of CD-ROM publications are available in the schools. The Education Department lends videotapes of recorded television programmes on subjects such as nature, wildlife, science and discovery.

Article 14: Freedom of thought, conscience and religion

63. As is recorded at paragraph 8 of the core document, freedom of religion is expressly protected by section 9 of the Constitution. This right extends to children. As a matter of policy, religious instruction is not permitted in schools as past experience indicated that it caused divisions between pupils.

Article 15: Freedom of association and of peaceful assembly

64. Children possess the same rights of freedom of association and peaceful assembly as are possessed by adults. These rights must be exercised with due regard to the rights and freedoms of others. There are obviously, and sensibly, restrictions on the exercise of those rights in school hours on school premises.

65. The rights of freedom of association and peaceful assembly must, additionally, be exercised in accordance with the laws governing public order, the principal of which is the Public Order Act 1986 (applied to the Falkland Islands under the Crimes Ordinance 1989 (as amended)). The remarks at paragraph 162 of the United Kingdom initial report as to the provisions of the 1986 Act are equally applicable in relation to the Falkland Islands.

Article 16: Protection of privacy

66. As is the case in the United Kingdom, the law of the Falkland Islands does not provide a statutory right of privacy, nor is it one of the fundamental rights and freedoms of the individual protected by the Constitution. Children do, however, have the same rights as adults to protection from defamation and interference with correspondence. Under the Data Protection Ordinance 1995 of the Falkland Islands (yet to be brought into force) they will be protected against the misuse of computerized personal information relating to themselves.

The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

67. Chapter 1 of the Constitution prohibits torture or inhuman or degrading treatment of any person by any public officer or authority. Section 134 of the Criminal Justice Act 1988 (referred to in paragraph 195 of the United Kingdom initial report), which makes it an offence to torture any person in the circumstances described in the provision, has been applied by the United Kingdom by Order in Council to the Falkland Islands.

68. As is the case in the United Kingdom, courts in the Falkland Islands have no power to order corporal punishment or other cruel or degrading treatment of a young offender. Under the Education Ordinance 1989, corporal punishment of children at government schools is forbidden except in respect of boys of 11 years of age or over with the consent of their parents (in practice, however, no boy has been corporally punished at school since the coming into force of the Ordinance in 1989).

VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Parental responsibility and the law

69. Parental responsibility as a statutory concept exists in the law of the Falkland Islands by virtue of the provisions of the Children Ordinance 1994. If the parents were married to each other at the time of a child's birth, or if they have been married to each other at any time since the child's conception, they each have parental responsibility. Unmarried fathers do not have parental responsibility but can acquire it by means of an agreement with the mother or by a court order. It is a shared right and a shared duty throughout the childhood. If the parents separate or divorce that responsibility does not disappear nor is it reallocated to one parent rather than to the other. It continues to be shared. It is lost only on adoption of the child.

70. Parents have a legal duty under the Education Ordinance 1989 to ensure that their children receive an education.

71. The government secondary school teaches children about parenthood in the course of personal development and home economics courses (which are taught to both boys and girls and in which both sexes learn homemaking skills).

Article 9: Separation from parents

72. Paragraphs 217 to 220, 222 to 224 and 226 of the United Kingdom initial report (which deal with the English legal position under the Children Act 1989) are equally valid in respect of the corresponding provisions of the Children Ordinance 1994, which were very closely modelled on the provisions of the 1989 Act. References in those paragraphs to the Act should of course be replaced with references to the Ordinance.

Parents or children in detention

73. It is the policy of the authorities in the Falkland Islands that a custodial sentence or detention should not be permitted to disrupt family ties. While the Prison Rules laid down definite times and lengths of visits, in practice these are regarded as minima. Visits much exceeding these minima by family members are very much encouraged, both in the interests of the prisoner or detainee and in the interests of the family.

74. During the past eight years, no female has been deprived of her liberty by a court order. The Prison Rules laid down rules, similar to those mentioned in paragraph 243 of the United Kingdom initial report, applying when a mother in prison has a very young child. No case of a mother with a very young child being deprived of her liberty has occurred within at least the last 14 years. The present prison is not satisfactory for the accommodation of mothers having very young children staying in prison with them. It is however to be replaced by a very small modern prison within the next three or four years.

Article 10: Family reunification

75. It is the policy of the Falkland Islands Government that where a person is permitted to immigrate to the Falkland Islands for the purpose of settlement, generally speaking, his or her immediate family will be permitted to enter the Falkland Islands for visits or, subject to the person having found suitable accommodation, for the purpose of settlement. There are of course situations in which an immediate family member will not be permitted to enter the Falkland Islands: for example, if that person has a serious criminal record or is likely to be a considerable burden on local society. However, in the case of children, where one or both of the child's parents are settled in the Falkland Islands, permission for children to join their parents, even in the case of children with special needs, requiring special assistance not readily available in the Falkland Islands, will not usually be refused.

76. The Constitution guarantees as a fundamental right the right to leave the Falkland Islands. This is subject, in the case of a child, to there not being an order of the court directing that the child shall not be taken from the Falkland Islands.

Recovery of maintenance for the child

77. The Government of the Falkland Islands encourages, where necessary, parents of children living with them apart from the other parent to seek, where necessary, an order from the

courts for the maintenance. It also encourages, where necessary, registration of the order for enforcement in an overseas court under the arrangements for international reciprocal enforcement of maintenance orders.

78. The laws of the Falkland Islands make provision for the enforcement of overseas maintenance orders in the Falkland Islands courts.

Article 20: Children deprived of a family environment

79. Under the Children Ordinance 1994, when a child can no longer remain at home it is the responsibility of the Government to arrange a placement appropriate to the child's needs. As a matter of policy, the Government first seeks to place the child with the child's wider family, but if that is not possible, the child is placed with foster parents. Every effort is made to place siblings together, but where that is for any reason not possible, the Government endeavours to place them where they will have frequent contact with each other. There are no children's homes in the Falkland Islands, but where by reason of a sudden emergency (e.g. the admission of a parent or guardian to hospital) it is necessary to make temporary arrangements in relation to a child, the child during the school term may be placed in the Government's hostel for school children. The interests of the child are regarded as the paramount consideration.

Article 21: Adoption

80. The Adoption Act 1976 and the rules and regulations made thereunder mentioned in paragraph 284 of the United Kingdom initial report constitute the law of the Falkland Islands in relation to the adoption of children. However no children are placed for adoption, and all adoptions are private. Because of the small population of the Falkland Islands, an adopted child will inevitably be aware of the identity of his or her birth parents (and their relatives) and the identity and whereabouts of any siblings. Commonly, he will accidentally or deliberately meet them. These factors cause special difficulties, perhaps not frequently encountered elsewhere, in considering and deciding whether a proposed adoption is in the best interests of the child.

81. An adoption order can only be made by a court, on the application of the prospective adopter(s). Except where the court for special reason dispenses with the birth parents' agreement (the consent of the father of an illegitimate child is not required), their consent to the adoption is required. Although the court is not required to consult the child as to whether the child wishes the adoption to proceed, it is the invariable practice of the court to seek the child's views in relation to the proposed adoption. With the omission of references to adoption agencies, paragraphs 289 and 291 of the United Kingdom initial report hold good in respect of the Falkland Islands. As stated in paragraph 9 above, the replacement of the existing adoption legislation is under consideration.

82. Inter-country adoption involving the Falkland Islands has not taken place.

Article 11: Illicit transfer and non-return

83. The provisions of sections 1 and 2 of the Child Abduction Act 1984, referred to in paragraphs 304 to 306 of the United Kingdom initial report, have been applied to the

Falkland Islands and those paragraphs are equally valid in respect of the Falkland Islands. No instances of child abduction have come to light in the Falkland Islands, and consequently there have been no prosecutions there for offences under the 1984 Act.

Article 19: Abuse and neglect

84. The provisions of the Children Act 1989 referred to in respect of this article in the United Kingdom initial report are paralleled by provisions of the Children Ordinance 1994, modelled on the 1989 Act provisions. The full range of court orders available under that Act are available under the Ordinance in the Falkland Islands. Nevertheless, because the circumstances of the Falkland Islands are very different from those applying in the United Kingdom, the approach to use of those powers is also somewhat different.

85. The population of the Falkland Islands, taking into account persons temporarily absent on Census Day in April 1996 (omitting the military garrison, their families and the personnel of contractors to the military) is 2,221. There are no local authorities subordinate to the local government and the local government itself has the responsibility for the welfare of children. There are no children's homes or similar institutions operated by the Government or by any voluntary organization, and no charity or voluntary organization concerned with the welfare of children is active in the Falkland Islands.

Child protection

86. The government department with principal responsibility for the welfare of children is the Medical Department, and within that department, the social welfare officers and health visitors have a major role. There is close liaison between the Medical Department and the Education Department and the Attorney General's Department on matters relating to the welfare of children and inter-departmental consultations involving officers qualified in a number of disciplines take place wherever necessary.

87. While the interests of the parents of the child are always regarded as being of very considerable importance, the approach of the authorities is that the best interests of the child are paramount. Wherever relevant, if it is appropriate having regard to the age and maturity of the child, the authorities seek to ascertain from the child what his or her wishes may be, being careful, however, to bear in mind that the child's wishes may not coincide with his or her best interests. Where one of a number of siblings is under consideration, it is regarded as important to take into account the interests of the remainder of the siblings.

88. The Falkland Islands authorities now regard the approach they adopted up to about 1989 as being open to criticism on the grounds that they were too ready to take action to secure the removal of a child from the family. In paragraph 79 the special local factors in relation to adoption were mentioned, and those factors in a modified form are equally applicable in relation to placing a child in the care of another family.

89. The present approach of the authorities is that action which would result in the removal of a child from his family must, in most cases, be regarded as a last resort, to be adopted only when other approaches to the protection of the child have failed. However, such

action would be taken when it is clear that the child is in danger of violence or sexual abuse, and that danger can only be averted by removal of the child from its present environment.

90. The present approach is to assist the family as a unit. The assistance offered varies in accordance with the circumstances of the case and is largely related to the problem or problems identified as being the cause of the family difficulties. These may be, for example, lack of parenting skills, alcohol abuse, depression or separation of the parents, poor housing conditions, inability to manage the family finances or comparative poverty. Frequently it will be the case that the family will simultaneously be suffering a number of problems.

91. A difficulty of the approach mentioned is that, in the circumstances of the Falkland Islands, "problem families" who are receiving assistance readily become known to the community and semi-public pressure can build up for the authorities to intervene by removing the children to foster care. In one case in 1995 this resulted in questions being asked in the Legislative Council concerning the children of an (un-named) family, the identity of which was, inevitably, known in the community. As a result, the relevant departments held discussions with all interested elected members of the Legislative Council and achieved their understanding, and backing, for their approach.

92. The authorities in the Falkland Islands maintain a list of children believed to be "at risk". The personnel of the Government's Medical and Education Departments are instrumental in helping in the compilation of the list, but much valuable information is received in confidence from members of the public.

Offences against children

93. The responsibility for investigating offences against children lies with the Royal Falklands Islands Police Force, and the responsibility of deciding whether or not a prosecution shall be brought is, ultimately, under the provisions of the Constitution, with the Falkland Islands Attorney General.

94. The first criterion in deciding whether a prosecution is to be brought is whether there is sufficient evidence on which the court could convict. If there is not, a prosecution cannot properly be brought, no matter what public pressure there may be for it. There are particular difficulties when the prosecution has to rely heavily on the evidence of a young child victim, even though the requirement that that evidence should be corroborated by the evidence of another witness was abolished in June 1996. The second criterion is whether it is in the public interest that a prosecution should be brought. The question of whether it is in the best interests of the child that the prosecution should be brought has to be considered as part of the public interest. While the law of the Falkland Islands provides that the identity of the child complainant cannot be disclosed in the media, inevitably his or her identity will become known to some members of the population. Equally, the experience of confronting his or her assailant in court, the ordeal of giving evidence, and to that extent reliving the offence against him or her, can be a harrowing experience for the child even though the law of the Falkland Islands enables a court to be cleared of members of the public while a child under 14 is giving evidence. Care is taken to inform the child of these matters and to inquire whether the child is content for a prosecution to be brought.

95. Particular difficulties are caused in relation to the offence of unlawful sexual intercourse with a female under the age of 16 years where the male involved is himself close in age to the girl or under the age of 16. Those circumstances are quite frequent. It is of course the male, and not the female, who commits the offence. Experience has been that in those circumstances the girl, who may have instigated the sexual intercourse, is reluctant to give evidence, and may be supported in her stance by her parents, who may indeed approve of the relationship. For these reasons a prosecution may not be brought in such cases, although the couple are informed that a continuation of their conduct will not be tolerated, and the boy usually receives a citable caution (so that if he is prosecuted for a further offence of the same kind his having previously committed such an offence, even if he was not convicted of it, can be brought to the attention of the court and taken into account by the court in sentencing him on that occasion).

96. There has been no instance in recent years known to the authorities of unlawful sexual intercourse with a girl under the age of 16 years having been committed by a male of or over the age of 20 years.

Physical chastisement of children

97. As has been noted elsewhere, the Education Ordinance 1989 permits corporal punishment, in schools, of boys of 11 years of age and over, provided their parents consent, but in practice no pupil has been corporally punished in any school in the Falkland Islands since the Ordinance came into force.

98. The authorities in the Falkland Islands share the views of the United Kingdom expressed in paragraphs 335 and 336 of the United Kingdom initial report as to chastisement by parents of their children. It does not believe that public opinion in the Falkland Islands would support a change of the law in this respect. The statutes mentioned at the foot of paragraph 336 of the United Kingdom report also apply in the Falkland Islands.

99. There have been no prosecutions in recent years of any offence under section 1 of the Children and Young Persons Act 1933 in its application to the Falkland Islands. No such offences have come to the notice of the authorities.

Bullying

100. Bullying of children by other children, particularly at school, does take place. Teachers at the government schools are alive to this problem and take appropriate action to attempt to eradicate it. Bullying takes two forms: physical attacks, which are comparatively easy to spot, and mental pressure, which is much more insidious. In either case, a failure of a child to conform to norms of his or her peer group is a prevalent cause of bullying activity. In any instance of bullying, both the child who is being bullied and the child who is doing the bullying have a problem. In the case of the child who is being bullied, the target is of course to bring the bullying to an end, recognizing that the child may be extremely reluctant to bring any repetition of the bullying to the attention of the school or other authorities. In the case of the child who is doing the bullying, he or she may himself or herself be a victim of bullying (perhaps by an older sibling at home), or have some deep-seated problem which requires attention.

Article 39: Physical and psychological recovery and social reintegration

101. The manner in which the Falkland Islands authorities address obligations under this article have been generally indicated above. More specifically, while there is no resident psychologist in the Falkland Islands, the Government arranges visits by child and educational psychologists. Except in relation to the effects on some children of the conflict in 1982, there has been little need in the Falkland Islands for measures falling within the article.

Article 25: Periodic review of placement

102. It is the practice of the Falkland Islands Government, whenever a child has been placed in care, regularly to review the treatment provided to the child and all other circumstances relevant to the child's placement.

Statistical information

103. During the period of two years ended on 1 September 1996 no homeless, abused or neglected children were taken into protective custody, no children were placed in foster care, no children were placed in institutional care, one child was adopted, but no children entered or left the country through intercountry adoption procedures.

VI. BASIC HEALTH AND WELFARE

Article 6, paragraph 2: Survival and development

104. The following information is given:

(a) Births: (for births in the Islands)

Year	Live births	Stillbirths	Maternal deaths	Cot deaths
1986	19	0	0	0
1987	12	0	0	0
1988	16	1	0	0
1989	20	1	0	0
1990	29	0	0	0
1991	26	0	0	0
1992	27	0	0	0
1993	31	0	0	0
1994	21	0	0	0
1995	20	0	0	0

(b) Immunization programme:

Age	Vaccination
First 72 hours	BCG
8 weeks	Diphtheria Tetanus Pertussis (DTP) Polio Haemophylis Influenza b (Hib)
12 weeks	DTP Polio Hib
16 weeks	DTP Polio Hib
15-18 months	Mumps Measles Rubella (MMR)
Pre-school 4 years	Diphtheria Tetanus Polio
15-16 years	Tetanus Polio MMR (if not already immunized)

There is a 90 per cent immunization coverage. Amongst the under fives there is virtually a complete uptake. There are no recorded cases of indigenous diphtheria or neonatal tetanus in the last 10 years.

105. The Government recognizes that there are particular problems of isolation from frequent social contact for some children resident in remote areas of Camp (the parts of the Falkland Islands outside the administrative centre, Stanley) which could affect their development. Children of school age receive daily radio lessons through the Camp Education Service and receive regular visits from travelling teachers employed by the Education Department. Children below school age are regularly seen by doctors and other community health nurses of the Medical Department and any perceived problems would also be reported by travelling teachers who saw them while visiting to teach their siblings.

106. The Education Department encourages parents of children living in Camp to send their children to Stanley for short visits to attend the government schools in Stanley, so that they may be accustomed to social contacts with comparatively large numbers of children. Partly so as to provide social contact for Camp children, the Department also encourages visits in the school holidays by Stanley children staying in Camp with families with children.

Article 23: Disabled children

107. There are at present no children in the Falkland Islands with mobility problems. However, the Falkland Islands Community School in Stanley (built in 1992-1993) was constructed so as to allow easy wheelchair access to every part of the school and it is now a requirement that all buildings used by the public (for example, shops) shall be so constructed as to permit wheelchair access. The public swimming pool in Stanley has special apparatus to enable disabled people to be lifted into and out of the water.

108. There are at present three children known to the authorities with moderate to severe physical or mental disability and special needs, such as severe hearing impairment, speech defects and retarded development of mind. It is the government policy that these children shall, so far as possible, join in the normal curriculum at school of their year group, and receive special teaching at school. However, it is not possible, in some cases, to provide satisfactorily for such children in the Falkland Islands and the Government, where the family consents, arranges for them to be educated at special schools in the United Kingdom. However, a judgement has to be made in such cases as to whether the better education the child receives outweighs the disadvantage of loss of daily family contact, so as to be in the best interests of the child.

109. The Government recognizes that a number of such children, when they reach adulthood, will still have special needs, and that there is already a number of adults having such needs. It wishes such persons, so far as possible, to be part of the community and not isolated from it. In 1995 it decided that sheltered accommodation should be built so as to enable such people to live in their own separate dwelling units with a warden to assist them in relation to any domestic activity with which they could not cope, the aim being to avoid them feeling or being "institutionalized". The Government also recognizes that it is essential to enable them to feel a useful part of society by earning their living wherever possible. It is therefore seeking, both in the government and private sectors, to find suitable employment for such persons and is considering the need to establish specific "sheltered employment".

Article 24: Health and health services

110. There is a small modern well-equipped hospital in Stanley, with 29 beds, the King Edward VII Memorial Hospital, which was completed in 1988. This is operated by the Medical Department of the Falkland Islands Government and is staffed by four physicians, one surgeon and a full complement of ancillary staff, including midwives, community psychiatric nurse, nurses, laboratory technician, radiographer, physiotherapist and pharmacological technician. The hospital incorporates a dental department, and the Government has recently increased the number of dental surgeons from one to two. A daily clinic is conducted on Mondays to Fridays by physicians and antenatal and "well women" clinics are regularly conducted. Pupils at government schools are instructed as part of the school syllabus in personal health and hygiene, nutrition and other matters mentioned in article 24 (e) of the Convention. Such instruction is given irrespective of the sex of the child and is supplemented by suitable pamphlets, leaflets, films and videotapes.

111. The casualty department of the hospital will attend to emergencies at any time and two physicians, the surgeon and a casualty sister are on standby at all times to attend to

emergencies. There is a 24-hour ambulance service operated by paramedics. Emergencies occurring in parts of the Falkland Islands not within ready travelling distance of Stanley are attended by aircraft of the Falkland Islands Government Air Service (if occurring during daylight hours within reach of one of 44 airstrips throughout the Falkland Islands) or by RAF helicopter if not so occurring.

112. Practically every house in the Falkland Islands is connected to the telephone service, and medical advice to persons in Camp is given when necessary over the telephone. Government doctors maintain a "telephone clinic" for the Camp population every morning, Monday to Friday. Scheduled visits are paid by the physicians at regular intervals to every location in Camp, and special visits are paid whenever necessary. During their visits, the doctors see all children living at the locations visited, including those reported to be well. Visits are also made to locations at which children live by community health nurses employed in the Medical Department.

113. At each settlement in Camp is kept a "Camp Medicine Box" in which various medicines are stored under lock and key, under the supervision of a person in charge of it, who is accountable for the medicines contained in it. The medicines stored include powerful painkillers for use in emergencies, such as fractured limbs. Supplies of prescription medicines to persons in Camp are made by air from the hospital pharmacy.

114. All medical services are supplied free of charge to all persons resident in the Falkland Islands. Medicines prescribed are also supplied free of charge. Dental services are supplied free of charge, except that a charge is made for cosmetic dentistry.

115. There is no resident ophthalmologist, but an ophthalmologist usually visits twice a year. The sight of all children at school is tested. No charge is made for lenses or, in respect of children, for standard spectacle frames, but a charge is made for non-standard spectacle frames.

116. Where a person needs a surgical operation or other medical treatment overseas, the Government arranges for this to be provided, free of cost to the patient, in the United Kingdom.

117. The health of children in the Falkland Islands is extremely good. Regular visits to government schools are made by community health nurses and all children at school are medically examined once a year.

Social security and childcare services and facilities

118. Under the Family Allowances Ordinance, a family allowance of £43.50 per month is payable in respect of all children under the age of 16, and thereafter of those under the age of 18 years who are in full-time education. An additional allowance of £36.00 per month is payable to single parents of such children. These payments are payable irrespective of the income of the recipients, and are not taxable. Additionally, welfare payments on the basis of assessed need are paid to parents who by virtue of unemployment, bereavement of a partner or other circumstances are in need of further financial assistance.

119. Health visitors and community health nurses visit families of children who are on the "at risk" list, families of children who have some chronic disease or illness (for example, diabetes) and families receiving welfare payments who have children.

Standard of living

120. The standard of living in the Falkland Islands is high, with no identifiable group of persons living in poverty. At present, unemployment is suffered only by those who, for one reason or another, are unemployable and but for the kind of assistance mentioned in paragraph 118 such persons would be living in poverty.

121. No children in the Falkland Islands show signs of being undernourished or are ill-clothed or unshod.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Article 28: Education, including vocational training and guidance

122. The Education Ordinance 1989, as amended, requires that all children receive education between the age of 5 years and the end of the school year in which they attain the age of 16 years. School years run from the beginning of February.

123. Education may be provided by arrangements made by the parents and the Education Department (most frequently such arrangements consist of the child concerned being educated at a suitable school overseas) but otherwise the child must attend a school in the Falkland Islands or be educated by facilities provided by the Camp Education Service of the Education Department.

124. There are no private schools in the Falkland Islands. In Stanley, the Government provides an infant and junior school with 176 pupils and a secondary school (the Falkland Islands Community School) with about 150 pupils. The Government provides pre-school education in Stanley to 24 children. Outside Stanley, the Camp Education Service provides a travelling teaching service to pupils at locations in Camp to children of 4 to 11 years. All of these educational services are provided free of charge regardless of the age, sex, race or nationality of the child. Children from Camp undertaking secondary education, unless their parents make other satisfactory arrangements, attend the Government secondary school in Stanley and are accommodated, unless they live with relatives or friends, at a hostel provided by the Government in Stanley towards which parents pay a contribution of £72.00 (or £50.00 for weekdays only) per term, per child. It has become increasingly common for children from Camp of 9 to 11 years to be sent to the junior school in Stanley by their parents and to be accommodated at the government hostel. Truancy from school is rare in the Falkland Islands, and if it occurs is readily dealt with.

125. There are 10 teachers (including the head teacher), 3 assistant teachers (2 of whom are part-time) and 4 special needs assistants (2 of whom are part-time) employed at the infant and junior school in Stanley; 16 teachers (including the head teacher) are employed at the Falkland Islands Community School, and in addition 1 assistant teacher and 1 laboratory technician are employed there. The Camp Education Service employs a head teacher, 6 travelling teachers,

3 settlement/radio teachers and 2 radio teachers for the 45 children being educated by the service. The total education budget for the year 1 July 1996 to 30 June 1997 is £2,280,870. This equates to £1,026.96 per head of population.

126. Education to university entrance standard and vocational education for children over the age of 16 years is provided at the expense of the Government, usually in the United Kingdom. As at 1 July 1996, 15 such children were being educated overseas. The Education Department funds education overseas at universities and educational institutes for persons ordinarily resident in the Falkland Islands and, as at 1 July 1996, the education of 22 students overseas was being funded in this way. In addition to paying the university or other fees the Government pays a grant of £6,300 a year to the student.

127. The Education Department also provides evening classes in various subjects for adults at the Falkland Islands Community School. The classes provided depend on the availability of a suitable teacher and upon demand. Typically, they include crafts, computer-related subjects, languages, mathematics and English.

128. Vocational training in the Falkland Islands is available both on the job, in apprenticeship schemes, and in courses provided by instructors. A number of tourism-related skills have been taught in courses provided locally by overseas tutors and courses have also been provided in a number of subjects in courses operated locally, at the expense of the local government, by the United Kingdom Industrial Society. Besides these locally provided courses, persons from the Falkland Islands are sent overseas for vocational training at government expense. Such overseas training, as well as academic scholarships overseas, is administered with the advice of a Scholarship and Training Awards Committee, if funded by the Government, and by the Falkland Islands Development Corporation if funded by that corporation. Vocational training overseas funded during the last 12 months includes training of a gardener, training as a hotel chef, training as a pilot, training as an electrician, training as a nurse and training as a marine deck officer. Such vocational training is available free of cost on a non-discriminatory basis.

129. Vocational guidance is available to children attending the Falkland Islands Community School from the Community Education Officer, whose duties include the provision of such advice, and a number of employers in Government and in business visit the school to talk to classes about opportunities in various fields of employment and hold "open days" during school holidays for older school pupils to visit their premises. Children attending for further education at schools in the United Kingdom will also have the benefit of such guidance at those schools.

130. In the third term of the tenth year of education (when children are 15), children spend two weeks in work experience away from school in placements with employers in Stanley, and formal reports are made to the Education Department as to their performance and aptitude. Additionally, children in their tenth year are taught how to make a written job application and, in pursuance of a job application they have written, are interviewed for a fictitious job by an outside panel, differently composed in accordance with what the fictitious job vacancy is, and their performance at interview is assessed and reported upon.

Article 29: Aims of education

131. The Education Ordinance 1989 requires the school curriculum to promote the spiritual, moral, cultural, mental and physical development of pupils. The objects of education are to enable every child to make in adult life the best of his or her abilities and to fit them for adulthood in Falkland Islands society. The Government's policy is to do so on a non-discriminatory basis, that is to say regardless of the race, sex, place of origin or religion of the pupils.

132. There is no segregation of the sexes in the Government's schools and all subjects are taught to both sexes. The Government believes that it is necessary to teach both boys and girls the fundamental skills of running a home and accordingly, for example, all children are taught how to cook and how to sew. (In 1995 the major sewing prize at the Falkland Islands School's Art and Craft Exhibition was won by a boy.) Parentcraft is taught at school during the Personal and Social Development Course. A number of extracurricular activities are run at both of the schools, for example in choral singing, chess and computing. An important extracurricular activity in the Falkland Islands Community School is for the Bronze Award of the Duke of Edinburgh Award Scheme, which fosters the personal and social development of children of 14 and 15.

133. Both at the Infant and Junior School and the Falkland Islands Community School, children are encouraged to take part in school dramatic productions because these help children to speak in public and foster their confidence and teach cooperation with others. They are also very much enjoyed by the children. A number of children also take part in outside dramatic and other productions undertaken by outside bodies.

134. All children at school have weekly physical education classes. All schoolchildren are taught to swim. Until the Stanley Swimming Pool was opened in 1990, very few children in the Falkland Islands could swim because of the low temperature of the sea surrounding the Falkland Islands. Now swimming activities, both during school hours and as a leisure time activity, are popular with children.

135. The Government believes it would be wrong to link assistance with university and other further education to the need for qualified persons in the Falkland Islands. Its policy is to regard education in accordance with the young adult's abilities and inclinations as a right to be accorded to all, and consequently it finances the education of young Falkland Islanders in subjects in relation to which there is no foreseeable job-related need in the Falkland Islands.

136. As mentioned above, the Falkland Islands have a written constitution incorporating a chapter (chap. 1) on fundamental rights and freedoms of the individual. Children are in history classes taught the relationship of these provisions to the Universal Declaration of Human Rights and the European Convention on Human Rights (which has been applied to the Falkland Islands). The evolution of the United Nations and the principles of the Charter of the United Nations are also taught in such classes.

137. The development of respect for the child's parents, his or her own cultural identity, language and values are not the subject of separate teaching but are interwoven in teaching

throughout the Government's schools. The mother tongue and cultural values of children in the Falkland Islands are homogenous since they are very nearly all of a British background, being born in the Falkland Islands, the United Kingdom or Saint Helena or elsewhere of parents so born. Some children are of Chilean descent, and contacts with Chile are fostered by exchange visits between children at school in the Falkland Islands and children at school in Punta Arenas in Chile. Respect for other cultures, ethnic, national and religious groups overseas is taught throughout the child's school life.

138. Respect for the natural environment in the Falkland Islands is also taught throughout the child's school life, and is readily inculcated because of the high quality of the natural environment in the Falkland Islands and of its wildlife.

Article 31: Leisure, recreational and cultural activities

139. There is a Sports Centre adjacent to the Falkland Islands Community School in Stanley, which is a focus throughout the year of individual and team sporting activity. Besides a heated indoor swimming pool (in use throughout the year) the Sports Centre includes facilities for squash, racket ball, short tennis, gymnastics, keep fit, basketball, netball, indoor bowls, indoor hockey, six-a-side football and table tennis. These facilities are very popular and are much used by children. Reduced season ticket costs for family membership encourage the use of these facilities. Children are members of the local Badminton Club, Basketball Club and Netball Club. There are a number of children's playgrounds in Stanley containing swings and slides and other equipment for the use of younger children and there are grassed play areas in different parts of the town which are available for informal ball and other games played by children.

140. The Falkland Islands Moto-cross Club contains a children's section for those children who are interested in motorcycle riding, and a number of children belong to this. Some older children belong to the Stanely Rifle and Pistol Club. As mentioned in paragraph 133, children take part in local dramatic productions. The Stanley Dance Club each year conducts dance classes at which older children are taught ballroom and country dancing and these are popular since in May each year is held the May Ball at which young people, and in particular girls, make their first appearance, formally dressed, at an adult social function.

141. Discotheques are regularly held. These are divided between those for persons under the age of 15 and those for persons over the age of 15.

142. There are a number of well-supported organizations for children. These include the Scouts (which admit both girls and boys) and their junior organizations the Cub Scouts and Beavers, the Guides (restricted to girls) and their junior organizations, the Brownies and the Rainbows, and the Sea Cadets. Children from the Falkland Islands have attended international Scout Camps and Guide Camps overseas.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

Article 22: Refugee children

143. There has been no recorded instance of a child seeking refugee status in the Falkland Islands. The authorities in the Falkland Islands are aware of their obligations under article 22 of the Convention, and in the event that those obligations should become relevant would fully honour those obligations.

Article 38: Children in armed conflicts and article 39: Physical and psychological recovery

144. The Falkland Islands only maintain a volunteer Defence Force. The minimum age for entry into that force is 17 years. A number of persons from the Falkland Islands choose to enlist and serve outside the Islands in the armed forces of the United Kingdom and the relevant United Kingdom laws and practices (paragraphs 543 and 544 of the United Kingdom initial report) apply to such persons.

145. A number of children present in the Falkland Islands at the time of the armed conflict there in April to June 1982 subsequently showed signs of psychological stress. None had received any physical injury, but some had been incarcerated with adults for a period of about seven weeks. All had lived in fear of personal injury or death. Counselling was given where necessary.

B. Article 40: Children in conflict with the law

The administration of justice

146. Under the law of the Falkland Islands, a child under the age of 10 years cannot be convicted of a criminal offence and a child of 10 years or over and under the age of 14 years can only be convicted of a criminal offence if it is proved to the court that the child knew the difference between right and wrong and knew that he/she was doing wrong when the offence was committed.

147. A prosecution of a child of between 10 years and 14 years cannot be brought without consent given by or on behalf of the Attorney-General of the Falkland Islands. The purpose of that provision is to enable the Attorney-General to consider whether it is in the interests of the public and of the child that he/she should be prosecuted. Wherever possible, in respect of a child under the age of 14 years but over the age of 10 years, a caution is administered to the child, rather than prosecuting him or her. No child under the age of 14 years has been prosecuted for an offence during the two years ending 31 August 1996. A child cannot be cautioned in relation to an offence unless he or she admits having committed it.

148. A child over the age of 10 years, provided that it is believed that it could be proved that he or she knew the difference between right and wrong, would be prosecuted if he or she committed a "grave offence" (one punishable in the case of an adult with imprisonment for 14 years or more).

149. Where a person under the age of 18 years is prosecuted in respect of a criminal offence, he or she will be prosecuted before a Youth Court, unless he or she is charged jointly with an adult or is charged with an offence which is only triable before the Supreme Court.

150. The public are not permitted to attend a Youth Court, but representatives of the media may be present. However, the name and address or other identifying particulars of a person under the age of 18 years tried of a criminal offence before a Youth Court are prohibited from being published. Where a child is tried before another court, the public may be present in the court, but the same restrictions on publishing particulars of the name and address or other identifying particulars of the child apply. It has to be said that in the circumstances of the close-knit community of the Falkland Islands these provisions are not always entirely effective in concealing the identity of a child defendant.

151. Legal aid on a non-contributory basis is available for the defence of all children charged with a criminal offence or detained by the police in respect of a criminal offence. It is the practice of the courts of the Falkland Islands not to proceed with the trial of a criminal offence by a child unless the child is represented in the proceedings by a qualified legal practitioner or the court is satisfied that the child will not accept legal representation. A court cannot proceed to sentence a child convicted of a criminal offence unless it has available to it a social welfare report as to the child.

152. The following rights are guaranteed by the Constitution and other laws of the Falkland Islands to all persons (of course including children) in the Falkland Islands:

(a) The prohibition of conviction of an offence by reason of acts or omissions which did not constitute an offence at the time at which they were committed;

(b) The prohibition of more severe punishment for an offence than that which was permitted at the time the offence was committed;

(c) To be presumed innocent until proven guilty according to law;

(d) To be informed promptly, in a language which he/she understands, of the charges against him/her;

(e) To be provided, free of charge, with a competent interpreter if necessary, both at times he/she is being questioned before being charged, and at the time of the trial of the charges against him/her;

(f) To communicate the fact of his/her detention by the police on suspicion of having committed a criminal offence to a person of his/her choosing;

(g) To consult, without delay, and in private, with a legal practitioner of his/her own choice;

(h) To have the question of his or her guilt determined by a fair and independent tribunal within a reasonable time;

(i) Not to be compelled to give evidence at his/her own trial or to confess his or her guilt;

(j) To have any confession or other evidence adjudged by the court to have been unfairly obtained excluded by the court;

(k) To appeal against conviction or sentence, or both.

153. Administrative rules prohibit the police interrogating a child under 16 except in the presence of a suitable adult representing the child's interests. This person will usually be the child's parent or guardian, may be the child's legal practitioner and, in special circumstances may be another adult, trusted by the child. A confession obtained from a child in breach of these rules could be challenged in court, and excluded from evidence, on the basis that it was unfairly obtained.

Sentencing of juveniles

154. Section 22 of the Criminal Justice Ordinance 1989 provides that a person under the age of 21 cannot be sentenced to imprisonment, although he can be committed to prison if remanded in custody pending trial or sentence. Under section 23 of that Ordinance, a male under 21 but not less than 14 years of age or a female under 21 but not less than 15 years of age can be committed in custody to a young offender's institution if:

(a) The circumstances, including the nature and gravity of the offence, are such that if the offender were aged 21 or over the court would impose a sentence of imprisonment; and

(b) One or more of the following applies in respect of him or her:

(i) He or she has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them; or

(ii) Only a custodial sentence would be adequate to protect the public from serious harm from him or her; or

(iii) He or she has been convicted or found guilty of an offence so serious that a non-custodial sentence cannot be justified.

155. A male young offender under 15 cannot effectively be sentenced to be detained in a young offender institution for more than 4 months, nor can any young offender aged 15 or 16 be sentenced to be detained in a young offender institution for more than 12 months. In any

case, the period for which he or she is detained cannot exceed the period for which he or she could be sentenced to imprisonment were he or she of 21 years of age or more.

156. The sentencing court, if it sentences a person under the age of 21 years to detention in a young offenders' institution, must state in open court that it is satisfied that he or she qualifies for a custodial sentence and the reason that is so. Additionally, it must be explained to him or her in open court and in ordinary language why it is passing such a sentence on him or her.

157. Under section 29 of the Criminal Justice Ordinance 1989, on convicting a person of 16 years of age or over of an offence which is punishable by imprisonment in the case of an adult, a court can make a community service order in respect of the convicted person. A community service order is one which requires the offender to perform unpaid work. A community service order cannot require a person to perform more than 240 (120 in the case of a person aged 16) hours' work, nor less than 40 hours' work. The court must be satisfied, before making a community service order, on the basis of a report by a probation officer or social worker, that the offender is a suitable person to perform work under the order. It must be explained to the offender in ordinary language the purpose and effect of the order, the consequences which may follow if the offender fails to perform the requirements of the order, and that the court has power to review the order on the application of the offender or of a probation officer.

158. A person in respect of whom a community service order has been made must report to the officer notified to him, must notify any change of address and must perform, within 12 months from the date of the order, such work at such times as he is notified by that officer. If an offender the subject of a community service order fails to perform its requirements he may be brought before a court and fined for the breach or otherwise dealt with in such manner as he might have been dealt with by way of sentence if the community service order had not been made.

159. Section 27A of the Criminal Justice Ordinance 1989 provides that where a person under the age of 18 years is convicted of a grave offence (one punishable in the case of an adult by imprisonment for 14 years or more) the court must, if the offence is murder or treason, sentence him to be detained in such place and under such conditions as the Governor may, in his discretion, direct. If the grave offence is one other than treason or murder, the court must, if it is of the opinion that no other method of dealing with him is suitable, sentence the offender to be detained for such period, not exceeding the maximum term of imprisonment which could be imposed in the case of an adult, as the court specifies. The offender is then liable to be detained in such place and subject to such conditions as the Governor acting in his discretion may direct.

160. There have been no convictions to which section 27A is relevant. The European Convention on Human Rights applies to the Falkland Islands, including the provisions as to the individuals' rights to petition the European Court of Human Rights. In mid-1996 the Court decided against the United Kingdom on a petition to the Court relating to the English provision on which section 27A was modelled. Consequently, that section is under review and may be replaced.

161. Subject to the provisions mentioned concerning grave offences, under section 70X of the Criminal Justice Ordinance 1989 (inserted in 1996 by the Criminal Justice (Amendment) Ordinance 1996), a court may on convicting a child of any offence make a supervision order in respect of him/her. The following sections (sects. 70Y-70ZK) make related provision. A "supervision order" for the purposes of dealing with offenders, is an order placing a person under the age of 18 years under the supervision of a probation officer, public officer or other person named in the order.

162. Section 70Y enables the court in a supervision order to enable the supervisor to require the place or places at which the supervised person shall reside, and to require that person to present himself or herself to a person or persons specified in the direction at a place or places and on a day or days so specified. The number of days on which the supervised person may be directed to comply with such requirements cannot exceed 90 or such lesser number specified in the supervision order.

163. Section 70Z enables a supervision order, subject to the provisions of the section, to make any requirement which a supervisor could have made under section 70Y and also enables it to make "curfew" requirements and to prohibit the supervised person from engaging in certain activities, in each case during the whole or part of the period of the supervision order. Sections 70ZA, 70ZB and 70ZC respectively enable a supervision order subject to the provisions of those sections to include a requirement that the supervised person shall live in accommodation provided by the Government (this may be accommodation provided by the Government itself or by any other person, either free of cost or at the cost of the Government), to require that the supervised person submit to treatment of his or her mental health and requirements as to the supervised person's education.

164. Section 70ZD requires the court, if it includes in a supervision order a requirement that the supervised person shall participate in specified activities, to state in open court that it would otherwise have imposed a custodial sentence and either that the offence or offences of which the offender is convicted on that occasion are serious enough to warrant that course or that the offence was a violent or sexual offence or one occasioning danger or risk of danger to the public, warranting the making of a supervision order containing such a requirement. The subsequent sections make provision in relation to the variation and discharge of supervision orders, the termination of supervision and supplementary provision in relation to supervision orders.

165. Other provisions of the Criminal Justice Ordinance 1989 enable the court, on sentencing a child, to fine him or her or conditionally or absolutely discharge him or her. A conditional discharge is an order that there shall be no punishment of the offender if he/she does not, within the period stipulated in the order, commit another offence of which he/she is convicted but that if he/she does so, he/she may be sentenced in respect of the offence in respect of which the conditional discharge order is made, in any manner in which he/she could have been sentenced in the first place in respect of that offence. An absolute discharge is one discharging the offender without punishment either then or, in respect of the current offence, if he/she commits a further offence in the future.

166. In the manner mentioned in the foregoing paragraphs, the court is equipped with a range of sentences it may impose in respect of a child it convicts of an offence. Sentencing principles

applicable through decisions of appellate courts both in the Falkland Islands (and elsewhere but applicable in the Falkland Islands) have the effect that the best interests of the child offender are the primary consideration. It cannot be in the interests of the child to commit further offences and reform of the offender, rather than punishment, is the primary sentencing objective. In the case of certain offences protection of the public (of course including other children) has to be taken into account.

167. Capital punishment in the Falkland Islands, except in the case of treason, is prohibited by the Constitution. Corporal punishment has been abolished as an available sentence for a criminal offence. The following statistics are given on the prosecution of offences committed by male children (no female child was prosecuted for any offence), and the sentences imposed in respect of them, during the period 1 September 1994 to 31 August 1996:

No.	Youth	Offence	Sentence
15/94	I.A.	Section 9N(1)(b) Road Traffic Ordinance (driving at speed greater than 40 mph)	£100 fine Licence endorsed
19/94	M.B.H.*	1) Section 29(1)(b) Licensing Ordinance 1949 (incapable through drunkenness) 2) Section 26(2)(a)(i) Licensing Ordinance 1949 (consuming alcohol whilst a prohibited person)	21 days Young Offenders Institute 7 days Young Offenders Institute to run concurrently
25/94	E.R.M.	Section 9P(b) Road Traffic Ordinance (taking pedal cycle without consent)	Conditional discharge 12 months
28/94	E.W.R.	Section 5(1) Road Traffic Ordinance (drove car not belonging to him; no valid insurance)	Conditional discharge 12 months
29/94	M.B.H.*	Section 9P(2) Road Traffic Ordinance (took car without owner's consent)	3 months Young Offenders Institute
58/94	W.L.K.M.	Section (1) Criminal Damage Act 1971 (wilful damage to property)	Conditional discharge 12 months
59/94	M.M.J.	Section 1(1) Criminal Damage Act 1971 (wilful damage to property)	Conditional discharge 12 months
60/94	W.L.K.M.	Section 20 Offences Against Person Act 1861 (assault occasioning grievous bodily harm)	£100 fine; £35 costs; £200 compensation Payment within 14 days
66/94	W.I.S.J.C.	Section 20 Offences Against Person Act 1861 (assault occasioning grievous bodily harm)	£150 fine; £35 costs; £75 compensation Payment within 14 days

No.	Youth	Offence	Sentence
72/94	K.W.M.	Section 1(1) Theft Act 1968 Section 1(1) Criminal Damage Act 1971 Section 14(c) Firearms Ordinance 1987 Section 14(c) Firearms Ordinance 1987	Supervision Order for 18 months. To see nurse counsellor when requested by Supervisor
73/94	W.L.K.M	Section 1(1) Theft Act 1968 Section 1(1) Criminal Damage Act 1971 Section 14(c) Firearms Act Ordinance 1987	£150 fine; £100 fine; £56.37 compensation £100 fine; £35 costs
8/95	M.B.H.*	Section 5(1) Control of Drinking by Juveniles Order 1993 (consumed alcohol)	£40 fine; £35 costs
17/95	C.G.B.	Section 9(1)(b) Theft Act 1968 (stole tranquillizer dart gun)	£35 costs Conditional discharge 2 years
21/95	R.T.	Section 9(1)(b) Theft Act 1968 (stole wallet)	£35 costs 4 days Young Offenders Institute in default of payment; Conditional discharge 18 months
26/95	R.T.	Section 1(1) Theft Act 1968 (stole mountain bike)	£16.66 compensation £35 costs; 7 days Young Offenders Institute in default of payment
28/95	M.B.H.*	Section 79(1)(b) Licensing Ordinance 1994 (incapable through drunkenness)	£30 fine £35 costs
67/95	W.L.K.M.	Section 1 Theft Act 1968 (theft)	£75 fine; £35 costs 150 hours community service
24/96	D.M.F.	Section 9P(2) Road Traffic Ordinance (driving without due care and attention)	£30 fine; £35 costs Licence endorsed
28/96	K.W.M.	Section 9P(2) Road Traffic Ordinance (taking without consent) Section 6(1) Road Traffic Ordinance (no valid insurance)	Deferred sentence 12 September 1996
30/96	K.W.M.	Section 1 to 7 Theft Act 1968 (stole goods)	Deferred sentence 12 September 1996

No.	Youth	Offence	Sentence
50/96	I.B.	Section 44 Magistrates Court Act 1980 (aiding or abetting taking Land Rover without consent)	Plea: not guilty Case dismissed
51/96	M.C.	Section 9P(2) Road Traffic Ordinance (taking without consent)	£35 costs Conditional discharge 12 months Licence endorsed
52/96	M.I.G.C.	Section 9P(2) Road Traffic Ordinance (taking without consent)	£35 costs Conditional discharge 12 months Licence endorsed

* This youth had acquired 32 convictions by the age of 16 and, as will be seen, incurred further convictions in this two-year period.

Physical and psychological recovery and social integration of children convicted of offences

168. The Criminal Justice Ordinance 1989 contains provisions (sects. 71-78) as to the rehabilitation of offenders. Once a person has served or undergone or complied with any sentence imposed on him in respect of a conviction, then if the following conditions are satisfied.

(a) The sentence imposed was not (in the case of a child) a sentence for detention during Her Majesty's pleasure or for life or for a term of more than 30 months' detention imposed for a grave offence (see para. 159); and

(b) He/she has not during the rehabilitation period (see para. 16) had imposed on him/her in respect of a subsequent conviction during the rehabilitation period a sentence falling within (a);

after the end of the rehabilitation period the person is to be treated as a rehabilitated person and the conviction shall be treated as spent.

169. In respect of children, the "rehabilitation period" is 5 years in respect of a conviction for a "grave offence" in respect of which a period of detention of between 6 and 30 months is imposed, 3 years in respect of an offence in respect of which an order for detention in a young offender's institution is imposed, 2½ years in respect of an offence for which a fine was imposed, 1 year for an offence in respect of which a conditional discharge was ordered in relation to the conviction and 6 months in respect of an offence in respect of which an absolute sdischarge was ordered in relation to the conviction. Where a supervision order was made on conviction of a child, the rehabilitation period is one year or the period of the supervision order, whichever is longer. However, if during the rehabilitation period the offender is convicted of a further offence in respect of which no sentence mentioned in (a) of paragraph 168 is imposed, then the rehabilitation periods in respect of the original offence and the further offence will end at the same time. This will be the end of the last to expire of rehabilitation periods applicable to the convictions under the rules mentioned earlier in this paragraph.

170. Where an offender is to be treated as rehabilitated in respect of a conviction, that person is to be treated for all purposes as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence or offences which were the subject of that conviction (which in the remainder of this paragraph is described as a "spent conviction"). No evidence can be brought of spent convictions in any proceedings before a judicial authority and a person cannot be asked in any such proceedings, and if asked cannot be required to answer, any question in relation to his past which cannot be answered without acknowledging or referring to a spent conviction or spent convictions or circumstances ancillary thereto. Similar provisions apply in respect of applications for employment and the like.

171. The rehabilitation provisions mentioned above were modelled on similar provisions of English law. However, and notwithstanding that the name or particulars identifying a child convicted of a criminal offence cannot be published in the media, in the small society of the Falkland Islands, where information is readily disseminated by word of mouth, they are very probably less effective in securing the rehabilitation of children convicted of criminal offences than they would be in a larger society.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

Article 32 Economic exploitation, including child labour

172. The Falkland Islands comply fully with the provisions of all relevant ILO Conventions in relation to the employment of children, notwithstanding that they have not been applied. The Employment of Children Ordinance 1966 is the principal law regulating the employment of children. It contains a general prohibition of the employment of children under two years below the minimum school-leaving age and restricts the employment of children above the age of two years below the minimum school-leaving age and that age. The Ordinance provides that such children cannot:

(a) Be employed until after school hours on any school day;

(b) Be employed for more than two hours on any school day or on any Sunday;

(c) Be employed before 7 a.m. or after 7 p.m. on any day; or

(d) Be employed to lift, carry or move anything so heavy as to be likely to cause injury to them.

The Employment of Women, Young Persons and Children Ordinance 1967 prohibits the employment of such children in any industrial undertaking or on any ship. It also provides that a person under the age of 18 cannot generally be employed at night in an industrial undertaking or in any mine or quarry.

173. The most common form of employment of children is as babysitters. Other part-time employment, in light jobs, occurs on Saturdays and in school holidays. There is no sign of the children concerned being exploited. The children have no real need to earn the money, but do so to obtain extra money to spend on luxuries such as non-essential clothing, records, electrical equipment, videotapes and overseas holidays.

Article 33: Drug abuse

174. The principal laws of the Falkland Islands relating to illicit drugs are the Misuse of Drugs Ordinance 1987, the Dangerous Drugs Ordinance 1989 and the Criminal Justice (Amendment) Ordinance 1992. These laws implement the obligations of the Falkland Islands under the international conventions relating to narcotics and psychotropic substances.

175. The Falkland Islands are fortunate that to date there has been very little in the way of importation of illicit drugs. The Customs regularly search incoming vessels and open suspicious incoming postal packages. In recent years only very small quantities of cannabis and a very small quantity of heroin have been found, not capable of being trafficked. The Government is, however, aware that students from the Islands sent overseas for education or training have experimented there with illicit substances. It is very vigilant for signs of drug abuse among children and young people in the Falkland Islands, and while undoubtedly the occasional instance does occur, no evidence has yet been obtained. The Falkland Islands operate a policy of instant deportation of any non-resident found in possession of any illicit drug as a measure intended to discourage importation.

Article 34: Sexual exploitation and sexual abuse

176. The Falkland Islands have, by local ordinance with such modifications as are necessary, adopted the Sexual Offences Act 1956 of England and all of its subsequent amendments. In this way the Falkland Islands have comprehensive legislation in relation to the sexual exploitation of children. Thus, the law of the Falkland Islands finds as criminal the inducement or coercion of a child to engage in any unlawful sexual activity: the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials.

177. The general law of the Falkland Islands prohibits the importation of, and publication of any obscene article or thing. Any obscene performance involving a child is unlawful. It is an offence under the law of the Falkland Islands for any person, without lawful excuse, to possess any obscene film, video or photograph of a child.

178. Sexual intercourse with a female under the age of 16 years is a criminal offence. Similarly, homosexual activity with a male under the age of 18 years is a criminal offence.

Article 36: Other forms of exploitation

179. The laws of the Falkland Islands contain provisions regulating the engagement of children in theatrical and other productions. They prohibit the sale of tobacco to children under the age of 16 years and the sale of alcohol to children under the age of 18 years.

Article 35: Sale, trafficking and abduction

180. The sale, trafficking and abduction of children in the Falkland Islands under the age of 16 is an offence. The sale, trafficking and abduction of children between the ages of 16 and 18 is

prohibited under the Sexual Offences Act 1956 of the United Kingdom, as amended, which has been applied to the Falkland Islands, with modifications, by the Crimes Ordinance 1989 of the Falkland Islands.

181. Sections 1-5 of the Child Abduction Act 1984 have been applied in the Falkland Islands by the Crimes Ordinance 1989. Consequently, the abduction in the Falkland Islands of a child under the age of 16 years is a criminal offence under those provisions. Most cases of abduction of a child of 16 to 18 years of age will fall within the common law offence of kidnapping. The Child abduction and Custody Act 1985 enabling the obligations under the Convention on the Civil Aspects of International Child Abduction (The Hague, 25 October 1980) and the European Convention on the Recognition and Enforcement of Decisions concerning the Custody of Children and on the Restoration of the Custody of Children (Luxembourg, 20 May 1980) can be applied to the Falkland Islands by the United Kingdom Government by Order in Council under section 28 of the 1985 Act.

Article 30: Children belonging to a minority or an indigenous group

182. There were no indigenous inhabitants of the Falkland Islands prior to European settlement. The small number of persons born in St Helena who have settled in the Falkland Islands or who are engaged on contract in Stanley are wholly assimilated into the general population and cannot properly be regarded as a minority group, although they are of different ethnic origin. Like the general population, they are of English mother tongue and profoundly British in sentiment. There are a number of persons of Chilean, Uruguayan and Argentine birth who are first-generation immigrants to the Falkland Islands. As is disclosed by the 1996 Census Report, many such persons have acquired British citizenship and it is believed that more will do so when they have been resident in the Falkland Islands for a sufficient period. The largest minority community is the Chilean community (42), 22 of whom are British citizens. They hold a number of Chilean functions (including the celebration of the Chilean national day). Children of Chilean immigrants attend the government schools and some have been educated in England at government expense. There are business, social and cultural contacts between Stanley and Punta Arenas in Chile with exchanges of visits by schoolchildren and these have been very much encouraged by the Falkland Islands Government.

Legislation submitted with above:*

(1) The Crimes Ordinance 1989
(2) The Criminal Law (Amendment) Ordinance 1992
(3) The Criminal Law (Amendment) Ordinance 1996
(4) The Children Ordinance 1994
(5) The Education Ordinance 1989

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* Available for consultation with the secretariat.